

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ALON D. MOSLEY,

vs.

TUTLE & TUTLE TRUCKING, INC.

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CIVIL ACTION NO. 6:13-CV-468

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE**

Presented for consideration is the Report and Recommendation of the Magistrate Judge (Docket No. 17), which contains her findings, conclusions, and recommendation for the disposition of this matter. The Report and Recommendation recommends denying Defendant's Motion to Dismiss for Failure to State a Claim under the Federal Rule of Civil Procedure 12(b)(6) (Docket No. 11). On November 16, 2013, Plaintiff Alon D. Mosley, proceeding *pro se*, received a copy of the Report and Recommendation via certified mail. Defendant, by way of counsel, received a copy of the Report and Recommendation via electronic mail. Neither party submitted written objections to the Report and Recommendation.

In light of the foregoing, it is

ORDERED that Defendant's Motion to Dismiss for Failure to State a Claim under the Federal Rule of Civil Procedure 12(b)(6) (Docket No. 11) is **DENIED**.

So ORDERED and SIGNED this 26th day of December, 2013.



**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**